

Examiner
9-24-02
45/terminal
Disclaim

PATENT

Attorney Docket No. 08339.0002-05000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of:)
)
Niels C. HOLCH et al.)
)
Serial No.: 09/921,782) Group Art Unit: 3713
)
Filed: August 16, 2001) Examiner: J. Harrison
)
For: CASHLESS COMPUTERIZED)
VIDEO GAME SYSTEM AND)
METHOD)

RECEIVED

SEP 12 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

TECHNOLOGY CENTER R3700

Sir:

TERMINAL DISCLAIMER

Petitioner Oneida Indian Nation ("Oneida"), a Sovereign Indian Nation recognized by the United States of America and having its place of government offices at Oneida Indian Nation, Rt. 5, P.O. Box 1, Vernon, New York 13476, represents that it is the only assignee of the entire right, title, and interest in the above-identified patent application, Serial No. 09/921,782 filed August 6, 2001 for "Cashless Computerized Video Game System And Method" in the name of Niels Holch et al., as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 7847, Frame 0828 of the grandparent application Serial No. 08/719,651.

Oneida is, and at all times was the only assignee of application Serial No. 08/719,651, filed September 25, 1996 (now U.S. Patent No. 5,674,128), as indicated by the assignment duly recorded in the United States Patent and Trademark Office at Reel 7847, Frame 0828. Oneida is,

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and at all times was the only assignee of application Serial No. 08/840,694, filed April 25, 1997 (now U.S. Patent No. 6,089,982), as indicated by the assignment duly recorded in the United States Patent and Trademark Office at Reel 7847, Frame 0828 of the parent application Serial No. 08/719,651. Oneida is, and at all times was the only assignee of application Serial No. 08/877,375, filed June 17, 1997 (now U.S. Patent No. 6,280,328), as indicated by the assignment duly recorded in the United States Patent and Trademark Office at Reel 7847, Frame 0828 of the parent application Serial No. 08/719,651.

Oneida further represents that the evidentiary documents establishing the assignments have been viewed and certified, that to the best of assignee's knowledge and belief, title is in the assignee submitting this Terminal Disclaimer.

Under the provisions of 37 C.F.R. § 1.321, Oneida disclaims the terminal part of any patent granted on the above-identified U.S. Patent Application Serial No. 09/921,782, which would extend beyond the expiration date of the full statutory term, as presently shortened by any terminal disclaimer, of U.S. Patent No. [✓]5,674,128, which was issued on October 7, 1997, and hereby agrees that any patent so granted on U.S. Patent Application Serial No. 09/921,782 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 5,674,128. Under the provisions of 37 C.F.R. § 1.321, Oneida also disclaims the terminal part of any patent granted on the above-identified U.S. Patent Application Serial No. 09/921,782, which would extend beyond the expiration date of the full statutory term, as presently shortened by any terminal disclaimer, of U.S. Patent No. [✓]6,089,982, which was issued on July 18, 2000, and hereby agrees that any patent so granted on U.S. Patent

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Application Serial No. 09/921,782 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,089,982. Finally, under the provisions of 37 C.F.R. § 1.321, Oneida disclaims the terminal part of any patent granted on the above-identified U.S. Patent Application Serial No. 09/921,782, which would extend beyond the expiration date of the full statutory term, as presently shortened by any terminal disclaimer, of U.S. Patent No. 6,280,328, which was issued on August 28, 2001, and hereby agrees that any patent so granted on U.S. Patent Application Serial No. 09/921,782 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,280,328.

Oneida does not disclaim the terminal part of the above-identified U.S. Patent Application Serial No. 09/921,782, which would extend beyond the expiration date of the full statutory term, as presently shortened by any terminal disclaimer of U.S. Patent No. 5,674,128 in the event that U.S. Patent No. 5,674,128 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole under 35 U.S.C. § 253 and 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer, except for separation of legal title as stated above. Likewise, Oneida does not disclaim the terminal part of the above-identified U.S. Patent Application Serial No. 09/921,782, which would extend beyond the expiration date of the full statutory term, as presently shortened by any terminal disclaimer of U.S. Patent No. 6,089,982 in the event that U.S. Patent No. 6,089,982 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is

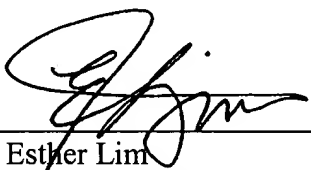
statutorily disclaimed in whole under 35 U.S.C. § 253 and 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer, except for separation of legal title as stated above. Finally, Oneida does not disclaim the terminal part of the above-identified U.S. Patent Application Serial No. 09/921,782, which would extend beyond the expiration date of the full statutory term, as presently shortened by any terminal disclaimer of U.S. Patent No. 6,280,328 in the event that U.S. Patent No. 6,280,328 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole under 35 U.S.C. § 253 and 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer, except for separation of legal title as stated above.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$110.00 is being filed with this disclaimer. Please charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: _____


Esther Lim
Reg. No. 41,944

Dated: September 9, 2002